

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance:

After further review of the declaration filed 4/21/2008, applicant's declaration concerning unexpected and superior results is sufficient to overcome the prior art of record. In said declaration, the evidence presented in Table 1 shows that the claimed fluorescent whitening agent composition has a lightfastness value of 7 while the composition of the closest prior art has a value of 6-7. Applicant states that "all textile finishers consider the difference between 6-7 and 7 as "meaningful and significant" for the reasons explained in the 2nd paragraph on the last page of the declaration. The evidence in Table 1 also shows that the claimed fluorescent whitening agent composition has a tint value of 1.9 while the composition of the closest prior art has a value of 2.2. Applicant further establishes that the tint value of the claimed composition has a "significant" difference over the closest prior art composition, and is visually superior.

Thus, it has been determined that the specific claimed composition of 13-17 wt% of formula 1 and 83-87 wt% of formula 2 shows unexpected, unobvious, and superior results of lightfastness and tint value over the closest prior art teachings of US4778623, which teaches a composition of 33 wt% of formula 1 and 67 wt% of formula 2, and additionally over US5053055 which teaches the use of formulas 1 and 2 as fluorescent whitening agents. Therefore, the combination of the fluorescent whitening agent compounds of formula 1 and 2 in the claimed ranges would not have been obvious to one of ordinary skill in the art.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN A. HEVEY whose telephone number is (571)270-3594. The examiner can normally be reached on Monday - Friday 8:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Ward can be reached on 571-272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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